

APPROVED: Meeting No. 29-90

ATTEST: *Sharon Gran*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 28-90

June 25, 1990

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on June 25, 1990, at 7:30 p.m.

PRESENT

Councilmember James F. Coyle

Councilmember Viola D. Hovsepien

Councilmember David Robbins (Mayor Pro Tem)

Councilmember James T. Marrinan

ABSENT

Mayor Douglas M. Duncan

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Councilmember Robbins was designated as Mayor Pro Tem.

Re: City Manager's Report

1. The Finalist Certificate presented to the City of Rockville for the "All America City" competition has been received and was displayed.
2. Last week, City officials participated in a groundbreaking ceremony in Town Center at the Whalen property site where a mixed-use building and apartments and condominiums will be constructed.
3. Information has been provided to the Mayor and Council regarding the Linowes Commission report. Staff attended the hearing held in Rockville last Wednesday.

It is recommended that the City offer testimony in the form of a positive approach to remind the Commission of the difficulties experienced by municipalities in raising revenues and urge a comprehensive look at the broad spectrum of revenues. With the concurrence of the Council, staff would offer that testimony.

Staff was authorized to proceed with preparation of the testimony.

4. As a public service, the Police Department is using a new speed advisory panel on which a motorist's speed is displayed in large numbers. Tickets are not being issued during this preliminary stage, and motorists are reacting in a favorable manner.

5. Inasmuch as there are no public hearings scheduled for July 16, the regular public hearing night, it is recommended, with the Council's concurrence, that this night be used for the worksessions on the traffic methodology and City Hall space study.

The Council agreed.

6. This past week, members of the Council and staff attended the Maryland Municipal League Convention at which a number of valuable sessions, including wetlands and recycling, were conducted. Councilmember Hovsepien hosted one of the roundtable discussions regarding the City-to-City program which was well-attended.

7. Neal Herst, the new Community Development Director, was formally introduced.

Councilmembers Coyle and Hovsepien welcomed Mr. Herst. Councilmember Coyle noted that the City is pleased to have someone with his background to lend a broad perspective on the economic development and planning issues.

Re: Presentation of Awards to  
Hometown Holidays Sponsors

Mayor Pro Tem Robbins noted that the success of Hometown Holidays is attributable to the private-public partnership in Rockville. The significant contributions of local businesses minimize the cost to the City for the celebration.

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The following organizations were presented with proceeds checks from beverage sales at Hometown Holidays: Rockville Jaycees (Laura Proger) (\$3,574.50); Rockville Football League (Bruce Abram) (\$1,787.25) and Rockville Baseball Association (Glenn Cade) (\$1,787.25).

The following sponsors of Hometown Holidays were awarded plaques for their generous donations:

Benefactor (\$5,000)

Shady Grove Hospital  
First National Bank of Maryland  
Kimmel Properties  
Maryland National Bank  
Metro Rail  
Cable TV Montgomery

Patron (\$2,500)

Rockville Chamber of Commerce  
Montgomery Co. Chamber of Commerce  
Congressional Oldsmobile  
Giant Food  
Rockville Gazette  
Rockville Metro Center  
Coca-Cola  
WGMS

Sponsor (\$1,000)

Anheuser Busch  
Rockville Rotary Club  
Computer Data Systems, Inc.  
Chestnut Lodge Hospital  
Envelopes Unlimited  
First American Bank  
Redgate Golf Course  
Rockville Mun. Swim Center  
Venable, Baetjer and Howard  
West Group  
Holiday Inn Crowne Plaza  
United Artists  
Breakers Billiards  
Hard Times Cafe  
Technical Education Center  
WHM Land  
Lincoln Investments, Inc.  
George Washington Univ.  
Health Plan  
Montgomery College Inst.  
for Technical Education  
Lakeforest

Re: Citizens' Forum

At this time, the Mayor Pro Tem opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Melvin Hall, 210 Elizabeth Avenue, distributed t-shirts for the Mayor and Council and City Manager which display the message, "Community Action Team Lights the Way." He also referenced the Whiz Kids' performance last Friday evening at the Lincoln Park Community Center and presented the Mayor and Council with a basketball autographed

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by the Whiz Kids and members of the Community Action Team. Mr. Hall concluded by thanking the Mayor and Council for all the help and support they have provided to the Lincoln Park community.

Councilmember Coyle noted that Melvin Hall and his wife, Cindy, were recently honored by Community Ministries for their work in Lincoln Park and expressed the City's appreciation to them as well for their efforts.

There being no other citizen wishing to be heard, the Mayor Pro Tem closed the Citizens' Forum portion of the meeting.

Re: Approval of Minutes

Upon motion of Councilmember Coyle, duly seconded, with Councilmember Robbins abstaining, the minutes of Meeting No. 26-90 (June 4, 1990) were approved, as written.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the minutes of Meeting No. 27-90 (June 11, 1990) were approved, as amended.

Re: Consent Agenda

Councilmember Coyle requested that Items C and D be removed from the Consent Agenda, and Councilmember Hovsepian asked that Item G be removed. Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the following Consent Agenda items were approved:

- A. Approval of waiver for on-site Storm Water Management for the property at 355 Martins Lane in the Watts Branch drainage area, and acceptance of a \$52,400 contribution for the off-site SWM fund.

The City's Department of Recreation and Parks plans the construction of an additional pool and related improvements.

- B. Award of Contract, Proposal No. 03-91, Hewlett-Packard Computer Maintenance, to Atlantic Tech Services for the low bid of \$27,192.

This contract provides repair and maintenance for the City's Hewlett-Packard computer equipment. Funds are included in the proposed FY1991 Data Processing budget.

- E. Introduction of Ordinance to grant Text Amendment Application T-102-89, Community Ministries of Rockville, Applicant.

Amendments to provide a definition of Personal Living Quarters (PLQ) and to allow this use by special exception in certain commercial, office and industrial zones.

- F. Introduction of Ordinance to grant Text Amendment Application T-105-90, Robert R. Harris, attorney for Holladay-Tyler Corporation.

Amendments to allow "ownership lots" and "ownership plats" to be used in all zones except single family detached and semi-detached zones.

- H. Proclamation No. 22-90 declaring July 6, 1990, as "India Children's Choir Day" in Rockville.

The India Children's Choir will be performing at the First Baptist Church in Rockville on July 6, 1990, as part of their nationwide tour.

- I. Submission of financial reports summarizing the results of City operations for the period from July 1, 1989 through May 31, 1990.

- J. Adoption of Annual Closing Resolution to formally close completed capital projects.

Resolution No. 16-90

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Resolution No. 16-90, the full text of which can be found in Resolution Book No. 9 of

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the Mayor and Council, was adopted to authorize the Director of Finance to formally close certain capital improvement accounts and to transfer capital project expenditures (construction in progress) to various fixed asset accounts.

Re: Introduction of Ordinance authorizing construction of Ritchie Parkway roadway between Seven Locks Road and Rockville Pike by special assessment.

The design, right-of-way acquisition and construction of Ritchie Parkway including pavement, median, traffic signals, sidewalks, storm drains and related work is proposed.

Re: Introduction of Ordinance authorizing construction of Ritchie Parkway water transmission main and appurtenances between Seven Locks Road and Rockville Pike by special assessment.

The design and construction of water transmission main, fire hydrants, valves and related work is proposed.

Councilmember Coyle asked that these two items (C and D) be removed from the Consent Agenda in order to discuss what impact the final approval of wetlands mitigation would have on these two ordinances to be introduced. The City Manager responded that the Mayor and Council should proceed to act on these two ordinances inasmuch as the wetlands did not have to be identified prior to commencement of the project. The ordinances were duly introduced.

Re: Introduction of Ordinance to grant Map Amendment Application M-57-90, Mayor and Council of Rockville, Applicant.

The purpose of this Map Amendment is to place the Rockville Civic Center mansion and surrounding grounds in a

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single-unit historic district  
under the jurisdiction of the  
Rockville Historic District  
Commission.

Councilmember Hovsepian recommended tabling the introduction of this Ordinance (Item G from the Consent Agenda) until such time as the Mayor and Council could hold a worksession with the Historic District Commission, the Recreation and Park Advisory Board and the Cultural Arts Commission, possibly some time in September or October. Councilmembers Coyle and Robbins agreed, noting that very strong differences of opinion had been received from the three commissions and it would be best to resolve these differences in worksession. Introduction of the Ordinance to place the Rockville Civic Center mansion and surrounding grounds in the historic district was tabled.

Re: Adoption of Resolution to  
approve Annexation Petition  
X-106-89, Joseph A. Lynott,  
attorney for SPI Limited  
Partnership, Applicant.

Resolution No. 17-90

This petition requests annexation into the City of Rockville and I-3 zoning of a 27,137 square foot property located at the southeast quadrant of the Shady Grove Road and I-270 interchange. Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Resolution No. 17-90, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted to enlarge the corporate boundaries of the City of Rockville to include 27,137 square feet of property owned by SPI Limited Partnership.

Re: Introduction of Ordinance to  
adopt Zoning Map - Annexation  
Petition X-106-89, Joseph A.  
Lynott, attorney for SPI  
Limited Partnership, Applicant.

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This Ordinance proposes to amend the Zoning Map by adding 27,137 square feet of land, more or less, of SPI Limited Partnership and placing said property in the I-3

Industrial Park, Zone. The Ordinance was duly introduced.

Re: Adoption of Ordinance to adopt  
Zoning Map - Annexation  
Petition X-108-89, Joseph A.  
Lynott, attorney for Ward  
Corporation, Petitioner.

Ordinance No. 17-90

This Ordinance proposes to amend the Zoning Map by adding 37.57465 acres of land, more or less, of the Ward Corporation, the Mayor and Council of Rockville and James W. Wilcoxon and Theresa Wilcoxon, and placing said property in the I-1, Service Industrial, Zone and R-S, Suburban Residential, Zone. The City Manager noted that the Planning Commission has recommended approval. In response to Councilmember Coyle's question as to the Park and Planning Commission's concerns, the City Manager advised that the problems have been resolved. Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Ordinance No. 17-90, the full text of which can be found in Ordinance Book No. 16 of the Mayor and Council, was adopted to amend the Zoning Map by adding 37.57465 acres of land, more or less.

Re: Discussion and Instructions  
to Staff - Application to close  
and abandon public way SCA-  
61-90, Dominic Antonelli, Jr.,  
Applicant.

The City Manager noted that the public hearing record in this matter was left open for 30 days and that information requested by the Mayor and Council at the time of the public hearing is included in the briefing materials. The Planning Commission has recommended approval of the abandonment subject to certain conditions.

Councilmember Marrinan voiced his agreement with the four conditions proposed



by the Planning Commission and referenced the optional conditions #5 and #7, suggesting that approval also be subject to these two conditions. He also requested clarification from staff regarding comments from the attorney for the applicant with respect to optional condition #6.

With respect to #5, that the trees along the subject portion of Old Ritchie Parkway be maintained, staff noted that this would be a temporary situation until future development occurs but that arrangements could possibly be made for replacement on another site. Staff is also working on a tree preservation ordinance which may be in place before the use permit is filed. Councilmember Hovsepian commented that she has read that maple trees are not recommended for use as street trees and staff should keep this in mind in replacing trees.

Regarding condition #7, that vehicle access to Ritchie Center be provided directly from Old Ritchie Parkway, staff responded that the most logical vehicular access to Ritchie Center would be the site of Old Ritchie Parkway. It is a harmless condition to impose and can be addressed through an easement at the site of the present road. This could be a "floating" easement subject to adjustment to accommodate future development.

The City Attorney addressed condition #6, that the applicant dedicate additional property for the intersection of Fleet Street extended and new Ritchie Parkway as needed by the Department of Public Works. Mr. Glasgow noted that the prevailing law would indicate it is inappropriate to require acquisition of an off-site area as a condition to this abandonment. In response to Councilmember Hovsepian's question as to whether the owner has dedicated some land for the extension of Fleet Street, staff responded that an agreement dealing with the purchase of property for Ritchie Parkway provides that the area needed for the extension of Fleet Street be made available upon demand.

Councilmember Coyle noted the importance of safety being a priority at the

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intersection of new Ritchie Parkway, and staff will provide information as to whether an island is planned where cars turn into traffic onto new Ritchie Parkway. In response to Councilmember Robbins, staff indicated that the contract for construction should be awarded in August with an approximate 15-month construction period.

In response to Councilmember Coyle's question as to whether the answers to questions provided in the brief book were being shared with citizens of Hungerford/Stoneridge, the City Manager noted that they would be.

Staff was instructed to prepare the ordinance for abandonment of Old Ritchie Parkway in accordance with the recommendations of the Planning Commission and including their conditions 1 through 4 as well as optional conditions 5 and 7.

Re: FYI/Correspondence

Councilmember Coyle expressed his appreciation to the City Manager for his follow-through on the I-270 safety fence.

Regarding wetlands mitigation along Ritchie Parkway, Councilmember Marrinan commented that a workshop on this issue was offered at the Maryland Municipal League convention and that he was impressed with the presentation by David Burke. He suggested that the City may wish to involve Mr. Burke in a future worksession on this issue. The City Manager responded that it was an excellent idea, perhaps for the next informational meeting with citizens. Councilmember Robbins referenced the number of letters offering suggestions and alternatives regarding the wetlands mitigation and asked if the Mayor and Council would be receiving copies of the staff responses. The City Manager advised that a mailing list has been prepared for all interested individuals who will receive all correspondence and answers.

Regarding the Lincoln Park Family Fun Day, Councilmember Hovsepien stated that she did not learn of the event until after it had passed and apologized for not being present to recognize the youth in the community.

Councilmember Robbins noted Chief Treschuk's invitation to address the International City Management Association conference and expressed his appreciation to the Chief for his community oriented policing. He also noted that he had attended the American Legion Installation Ceremony the previous weekend where Officer Parke was recognized for his outstanding service. Councilmember Hovsepian commented that the "Officer Tuttle" program is being replicated in other jurisdictions.

Re: New Business

Councilmember Hovsepian advised that the Mayor had requested that she introduce the subject of the summer playground hours. She had read in two different places that the hours are 9:00 a.m. to 4:00 p.m. but, as a result of school closing two days earlier, the playgrounds were closing one-half hour earlier to compensate for the additional two days. Mayor Duncan had received calls from parents objecting to the reduction in hours. The City Manager noted that he had asked staff to develop alternatives which would allow the City to provide maximum service while staying within the approved budget for the program. To accommodate the two additional days, it was felt that the least impact to the program would be to conclude one-half hour earlier each day inasmuch as attendance usually falls significantly during the last hour of the program. Flyers were distributed to the schools to be sent home to the parents advising of the change in time.

The Mayor had indicated to Councilmember Hovsepian that if it was the consensus of the Council to extend the program to its original closing time of 4:00 p.m., funds could be appropriated from the Targets of Opportunity fund. Staff has received only one complaint call thus far, and it was agreed that a report should be provided to the Mayor and Council following a full week of operation. Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the City Manager was authorized to extend the program an additional half-hour and appropriate the necessary funds from the Targets of

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Opportunity fund if the response from the parents during the first week of operation of the program warrants such an extension.

Regarding pedestrian safety, Councilmember Hovsepian noted that at the entrance to the City of Gaithersburg at Route 355, there is a sign indicating "Pedestrians have the right-of-way." She commented on the importance of instituting a program for putting up similar signs in Rockville, especially at the intersections used heavily by pedestrians. Councilmember Coyle noted that he had brought up the issue of pedestrian safety and the need for a City policy some time ago and that he hoped the new Director of Community Development would be able to respond to this need. Following discussion, the City Manager indicated that staff would review such a policy.

Councilmember Hovsepian noted a problem in keeping the State highway rights-of-way within the City clean of debris, especially in the mixing bowl area. The City Manager responded that staff would continue to pursue with the State the clean-up of these areas on a regular basis, consistent with the State's budget.

With respect to the new Falls Road interchange, Councilmember Marrinan indicated he has received a number of favorable comments. However, he questioned what type of permanent solution is planned to alert drivers to the left-turn onto I-270 where barrels are currently situated. The City Manager responded that staff would review this matter and urge the State to look at this at the appropriate time.

Councilmember Robbins asked if a "housewarming" date has been set for the Red Barn site, and staff will be providing further information.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:01 p.m., to convene again in General Session at 7:30 p.m. on July 9, 1990, or at the call of the Mayor.